

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 05, 2020

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Finley, Leland James

Docket No.

0980 1:19CR02055-SMJ-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Leland James Finley, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 21st day of February 2020, under the following conditions:

Special Condition #7: Defendant shall obtain a portable Breathalyzer and be subject to testing up to six times per day. Defendant is responsible for the cost of the device.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #3: Mr. Finley is alleged being in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on June 4, 2020, as scheduled between 12 p.m. and 2 p.m.

Conditions of pretrial release were reviewed and signed by Mr. Finley on February 24, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 7.

On June 4, 2020, this officer received a report via email from Smart Start, the portable Breathalyzer testing program Mr. Finley is under, advising he failed to submit to his required test as scheduled between 12 p.m. and 2 p.m.

On June 5, 2020, this officer made contact with Mr. Finley via text message asking why he missed his Breathalyzer test on June 4, 2020. Mr. Finley texted this officer stating the following: *"I was out cleaning the yard, we have a dumpster here that was ordered so we can clean out the house more after the passing of our elder."*

To be noted, Mr. Finley did not submit a make up test after missing his scheduled test between 12 p.m. and 2 p.m. on June 4, 2020. He submitted a test at 7:01 a.m. and then at 5:05 p.m., leaving a 10-hour gap between tests this date.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE ALLEGATION WITH THE PENDING
PETITION BEFORE THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: June 5, 2020

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

m. k. Dimke 

Signature of Judicial Officer

6/5/2020

Date